## REMARKS/ARGUMENTS

The Applicants originally submitted Claims 1-50 in the application. Previously, the Applicants amended Claims 1-4, 11-14, 21-24, 31-34, 41-44 and 46. In the previous Office Action, the Examiner indicated that dependent Claims 24 and 31 include allowable subject matter and that Claims 33-50 were allowed. In order to expedite issuance, the Applicants amended independent Claims 19 and 26 with allowable subject matter and canceled Claims 1-18, 24 and 31 without prejudice or disclaimer.

In the present Office Action, the Examiner maintains that Claims 33-50 are allowable but asserts that Claims 19-23, 25-20 and 32 are not allowable in view of a new reference. In the present response, the Applicants have not amended, canceled or added any claims. Accordingly, Claims 19-23, 25-20 and 32-50 are currently pending in the application.

## I.      Rejection of Claims 19-23, 25-20 and 32 under 35 U.S.C. §103

The Examiner has rejected Claims 19-23, 25-20 and 32 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,940,369 to Bhagavath, *et al.*, in view of U.S. Patent No. 6,532,243 to Leijonhufvud. The Applicants respectfully disagree.

The Examiner recognizes that Bhagavath does not teach or suggest enabling a master device to determine a variation between a first clock associated with a slave device and a second clock associated with a master device. (*See* Examiner's Action, page 3.) As such, Bhagavath does not teach or suggest a periodic message indicating storage levels associated with a slave device that enables a master device to determine a variation between a first clock associated with a slave device and a second clock associated with a master device as recited in independent Claims 19 and 26. The Examiner cited Leijonhufvud to cure the recognized deficiency of Bhagavath. Leijonhufvud, however, also does not teach or suggest a periodic message indicating storage levels associated with a slave device that enables a master device to determine a variation between a first clock associated with a slave device and a second clock associated with a master device.

Leijonhufvud relates to timing in a packet switched network. (*See* column 1, lines 7-8.) Leijonhufvud discloses a transmission path that uses an ATM network 5 and includes a terminal unit 1, a synchronized network 3, an ATM Adaption Layer (AAL) unit 7 and an AAL unit 15. (*See* column 2, lines 15-44 and Figure 1.) The AAL unit 15 depacketizes cells which arrive via the ATM network 5. In order to synchronize the terminal unit 1, which is the slave in this system, with the synchronized network 3, the AAL unit 15 regenerates a data transmission rate by means of an adaptive mechanism. (*See* column 2, lines 44-50.)

Leijonhufvud indicates that the terminal unit 1 is the slave in the above-described system. Assuming *arguendo* that the AAL unit 15 is the master device, the Applicants do not find, nor has the Examiner cited, where Leijonhufvud discloses a periodic message indicating storage levels associated with the terminal unit 1 and, more specifically where the periodic message enables the AAL unit 15 to determine a variation between a first clock associated with the terminal unit 1 and a second clock associated with the AAL unit 15. On the contrary, Leijonhufvud does not even teach that the AAL unit 15 determines a variation between a first clock associated with the terminal unit 1 and a second clock associated with the AAL unit 15. Instead, Leijonhufvud discloses that the AAL unit 15 regenerates a data transmission rate used over the ATM network 5. Thus, instead of determining a variation between clocks, the AAL unit 15 regenerates a clock signal. Accordingly, Leijonhufvud does not teach or suggest each limitation recited in independent Claims 19 and 26 including: (1) a periodic message indicating storage levels associated with a slave device, (2) a master device to determine a variation between a first clock associated with a slave device and a second clock associated with a master device, or (3) that the periodic message enables the master device to determine the variation. As such, Leijonhufvud does not cure the deficiency of Bhagavath.

Therefore, for at least the above reasons, the cited combination of Bhagavath and Leijonhufvud does not teach or suggest each limitation of independent Claims 19 and 26 and does not provide a *prima facie* case of obviousness of Claims 19 and 26 and Claims dependent thereon. As such, Claims 19-23, 25-20 and 32 are not obvious in view of the cited combination. Thus, the

Applicants respectfully request the Examiner to withdraw the §103(a) rejection and allow issuance of Claims 19-23, 25-20 and 32.


## II.     Conclusion

In view of the foregoing remarks, the Applicants now see all of the Claims currently pending in this application to be in condition for allowance and therefore earnestly solicit a Notice of Allowance for all pending Claims.

The Applicants request the Examiner to telephone the undersigned attorney of record at (972) 480-8800 if such would further or expedite the prosecution of the present application. The Commissioner is hereby authorized to charge any fees, credits or overpayments to Deposit Account 08-2395.

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Respectfully submitted,

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